

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HOWARD KAPLAN,)
Plaintiff,)
))
v.) **CIVIL ACTION NO. 104-CV-10856-MEL**
))
WEND MANAGEMENT, INC.,)
WENDY’S INTERNATIONAL, INC.)
))
Defendants.)
)

PLAINTIFF'S ASSENTED-TO MOTION TO EXTEND DISCOVERY

The Plaintiff, Howard Kaplan, respectfully moves the Court to extend the current discovery deadline by 30 days. As reasons for his Motion, Kaplan states that the parties are currently engaged efforts to settle this matter. Because the continued accrual of attorney's fees will impede settlement, the parties seek to continue discovery by thirty (30) days. Currently, depositions are scheduled for March 1 (to be taken by the Plaintiff), and March 9, 2006 (to be taken by the Defendants). Settlement talks will likely be derailed if these depositions must be taken. Thus, the Plaintiff seeks to extend the discovery period prior to these depositions being taken and requests that the Court act as quickly as possible on this motion. Currently, discovery is set to close on May 15, 2006. The Plaintiff proposes that discovery close on June 15, 2006. The Defendants assent to the Plaintiff's Motion.

Respectfully submitted,
HOWARD KAPLAN,
By his attorneys,

s/Rebecca G. Pontikes
Shannon Liss-Riordan, BBO #640716
Rebecca G. Pontikes BBO# 637157
Pyle, Rome, Lichten & Ehrenberg,
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18 Tremont St., Ste. 500
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(617) 367-7200

Dated: February 27, 2006

Assented to by,
WEND MANAGEMENT, INC.,
WENDY'S INTERNATIONAL, INC.,
By their attorneys,

s/Matthew P. Barry
John J. Ryan, Esq. BBO# 435620
Mathew P. Barry, Esq. BBO#657559
Ryan, Coughlin & Betke, LLP
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(617) 988-8050

Date: February 27, 2006

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2006, I caused a copy of this document to be served by hand delivery on Mathew Barry, Ryan, Coughlin & Betke, LLP, 175 Federal Street, Boston MA 02110.

s/Rebecca G. Pontikes